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PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)  
1587294

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at  
(571) 272-3282.

Patent Number: 6,923,563

Application Number: 10/625,760

Issue Date: August 2, 2005

Filing Date: July 24, 2003

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

12/08/2009 DALLEN 00000043 6923563

01 FC:1599

1190.00 00

The above-identified patent:

☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

November 27, 2009  
Date

Donald R. Schoonover  
Signature

Donald R. Schoonover

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

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## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

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The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity                  |             |        | Small Entity                                  |             |        |
|-----------------------------------|-------------|--------|-----------------------------------------------|-------------|--------|
| Amount                            | Fee         | (Code) | Amount                                        | Fee         | (Code) |
| <input type="checkbox"/> \$ _____ | 3 ½ yr fee  | (1551) | <input checked="" type="checkbox"/> \$ 490.00 | 3 ½ yr fee  | (2551) |
| <input type="checkbox"/> \$ _____ | 7 ½ yr fee  | (1552) | <input type="checkbox"/> \$ _____             | 7 ½ yr fee  | (2552) |
| <input type="checkbox"/> \$ _____ | 11 ½ yr fee | (1553) | <input type="checkbox"/> \$ _____             | 11 ½ yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ 490.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

## 5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 1,190.00☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 50-0961

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## 7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. \_\_\_\_\_

OR

☒ Send refund check

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## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

James O. Barber  
Signature(s) of Petitioner(s)

11-17-09  
Date

James O. Barber  
Typed or printed name(s)

N/A  
Registration Number, if applicable

2245 E. Webbwood Road  
Address

307-840-0280  
Telephone Number

Riverton, Wyoming 82501-9407  
Address

Riverton, Wyoming 82501-9407  
Address

Riverton, Wyoming 82501-9407  
Address

## ENCLOSURES:

- ☒ Maintenance Fee Payment  
☒ Statement why maintenance fee was not paid timely  
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)  
☒ Other:

1. Statement in support;  
 2. Front and back copy of Check No. 8550 for \$425.00 to "Patent Center"; and  
 3. ~~Check~~ for \$1,190.00 for the fees.

Form PTO-2038  
 11/27/09

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

James O. Barber  
Signature

James O. Barber, Petitioner

Type or printed name

11-17-09  
Date

N/A

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

My name is James Barber and I am the inventor/owner of United States Patent No. 6,923,563. About January, 200

(Please attach additional sheets if additional space is needed)



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### Certificate of Mailing under 37 C.F.R. § 1.10

I hereby certify that this correspondence in regard to U.S. Patent No. 6,923,563, Application No. 10/625,760, James O. Barber inventor/owner, includes the following:

**Form PTO/SB/65 Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b) (4 pages)**

**Declaration of James O. Barber entitled "Statement in Support of Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))" including attachment showing front and back copy of Check No. 8550 (2 pages)**

**Form PTO-2038 Credit Card Payment for \$1,190.00 for the 1<sup>st</sup> maint. and petition fees**

**Return receipt postcard**

and is being deposited with the United States Postal Service with sufficient postage as **Express Mail Label No. EH 982 927 439 US**, "Post Office to Addressee", in an envelope addressed to:

Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

on November 27, 2009.

Donald R. Schoonover, Reg. No. 34,924  
4211 Rolling Hills Drive  
Nixa, Missouri 65714  
Phone (417) 724-2188  
Fax (417) 724-2469  
email [patents@classicnet.net](mailto:patents@classicnet.net)



DEPT. OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James O. Barber et al.

Patent No.: 6,923,563

Appln. No. 10/625,760

Issue Date: August 2, 2005

Filing Date: July 24, 2003

For: MOVABLE HEADLIGHT UNIT FOR USE ON MOTOR VEHICLE

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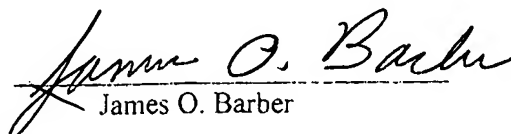
**STATEMENT IN SUPPORT OF  
PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 C.F.R. § 1.378(b))**

Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

My name is James Barber and I am a co-inventor/owner of United States Patent No. 6,923,563. About January, 2008, I received a letter from "Patent Center" requesting that I send them \$425.00 if I wanted them to pay the maintenance fee for our patent. In good faith and believing "Patent Center" to be legitimate, I sent them a check for \$425.00 which they deposited (see attached front and back copy of my Check No. 8550 with back account numbers redacted). We first learned that there might be a problem when I recently contacted the attorney who had filed the application for our patent about another matter. He checked the USPTO webpage and informed me that our patent had expired for failure to pay the first maintenance fee. He suggested that I contact Patent Center as to why they did not pay the maintenance fee. Unfortunately, I did not keep copies of the material that Patent Center had sent to me - I just filled out their material, enclosed my check, and sent it back to them. I have now unsuccessfully tried to contact them about the maintenance fee. I am requesting that the United States Patent and Trademark Office grant this petition to revive our patent for avoidably failing to pay the first maintenance fee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity and/or enforceability of our patent.

Date: 11-17-09

  
James O. Barber

